

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CELERINO CARRASCO,
Plaintiff,

v.

CORRECTIONAL SERVICE
CORPORATION, *et al.*,
Defendants.

Case No. C06-5084RJB

ORDER TO PROVIDE PROOF
OF SERVICE OR SHOW CAUSE

After careful review of the record, the court hereby ORDERS:

(1) In relevant part, FRCP 4(m) provides:

Time limit for service. If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or upon its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

The complaint in this matter was submitted on or about January 30, 2006. Plaintiff submitted an application to proceed in forma pauperis a few days later, on February 9, 2006. At that time he submitted these pleadings, Plaintiff was in custody of the Immigration and Customs Enforcement ("ICE") agency at the Northwest Detention Center in Tacoma. The record reflects that Plaintiff not been in custody of the ICE since February 28, 2006, when he was deported to Mexico. Based on his release, Plaintiff filed an updated application to proceed in forma pauperis as directed by the court, and the court granted the

1 application on July 20, 2006. On the same date, Plaintiff submitted an Amended Complaint to the clerk of
2 the court. According to Rule 4(m) noted above, plaintiff is required to properly serve defendants with a
3 copy of the original complaint and amended complaint along with a summons and file the required proof of
4 service by not later than November 21, 2006.

5 After reviewing the record, the court noted defendants have not filed an answer to Complaint. On
6 further review the court finds plaintiff has not filed proof of service of the original complaint or
7 summonses. Accordingly, it appears plaintiff may not have properly served the complaint in this matter.

8 Plaintiff shall file proof of service or show cause why this matter should not be dismissed for lack of
9 prosecution **by not later than November 22, 2006**

10 DATED this 30th day of October, 2006.

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12 /s/ J. Kelley Arnold
13 J. Kelley Arnold
14 United States Magistrate Judge
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